IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 24TH OCTOBER 2007 / 2ND KARTHIKA 1929

Bail Appl..No. 6409 of 2007()

CMP.4851/2007 of J.M.F.C.,KOYILANDY
CRIME NO.210/07 OF THE ELATHUR POLICE STATION

.....

PETITIONERS/ACCUSED:

SHIBIJITH, S/O. MOHANAN,
PANDARAKKANDITHAZHATH, PUTHIYAAPPA, ELATHUR.

BY ADV. SRI.P.S.SREEDHARAN PILLAI
SMT.C.G.PREETHA

RESPONDENTS: COMPLAINANT/STATE:

STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY P.P. SRI. JAI GEORGE.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 24/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. NO. 6409 of 2007

Dated this the 24th day of October, 2007

ORDER

Application for regular bail. The petitioner faces allegations for offences punishable, inter alia, under Secs.307 and 324 of the IPC. He is alleged to have caused stab injuries with a knife to the victim in the crime. The incident took place on 26/9/07. The petitioner was arrested on 28/9/07. He continues in custody from that date.

2. There is no specific allegation of any prior animosity. The learned counsel for the petitioner submits that even accepting the entire allegations, it was only a case of a friendly altercation finally resulting in an unexpected fight between the friends. The petitioner had also suffered injuries. He was admitted to the General Hospital, Kozhikode, on 26/9/07 at 8.20 p.m. He had an incised injury on the right forearm and an abrasion in front of the neck. In any view of the matter, the petitioner, who remains in custody from

28/9/07, does not deserve to be detained any further. He may be granted regular bail, it is prayed.

3. The learned Public Prosecutor does not oppose the application on condition that the Investigator may be given reasonable further time to complete the investigation. The injury suffered by the victim is indeed serious and notwithstanding the fact that no prior motive is alleged, a serious view is liable to be taken. The petitioner under inebriation had allegedly indulged in the culpable overt act.

4. Having considered all the relevant inputs, I am satisfied that the regular bail can be granted to the petitioner subject to appropriate terms and conditions:

5. **In the result:**

(a) This application is allowed. The petitioner shall be released on bail on the following terms and conditions:

(i) The petitioner shall not be released from custody on the strength of this order prior to 1/11/07. The Investigator shall, in the meantime, make every endeavour to complete the investigation.

(ii) The petitioner shall execute a bond for Rs.50,000/- with two solvent sureties each for the like sum to the satisfaction

of the learned Magistrate.

(iii) The petitioner shall make himself available for interrogation before the Investigating Officer on all Mondays and Fridays between 10 a.m. and 12 noon for a period of two months and thereafter as and when directed by the Investigating Officer in writing to do so.

(R. BASANT, JUDGE)

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